



Office of the Laboratory Counsel  
Ext. 7025 ■ FAX 6498 ■ MS: 50A-4112

December 2, 1998

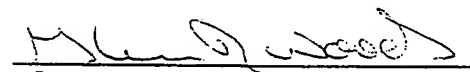
DAVID ASTON  
Manager, Patent Department

Re: AUTHORITY TO EXECUTE PATENT RELATED DOCUMENTS

This is to confirm in writing my delegation of authority to you to execute the documents listed below on behalf of The Regents of the University of California as operator of the Lawrence Berkeley National Laboratory.

Your granted authority includes the execution of Administrative Patent and Copyright-Related Documents in connection with the following functional activities: (a) evaluation of patents and other intellectual property for commercial potential; (b) requests to DOE for patent waiver and/or election of title; (c) request for DOE permission to copyright intellectual property; (d) the release of inventions to inventors; (e) patent application filing decisions; (f) the negotiation of intellectual property rights with outside industry and prospective licenses; and (g) any other matters with respect to intellectual property rights which arise as a result of activities carried out at LBL pursuant to DOE Contract DE-ACO3-76SF00098, Modification No: M253, effective October 1, 1997.

You are also authorized to re-delegate your authority to execute documents to selected outside counsel insofar as signing papers to be filed in the U.S. Patent and Trademark Office, the Patent Cooperation Treaty Office, and any national patent office.

  
Glenn R. Woods  
Laboratory Counsel




Lawrence Berkeley Laboratory  
1 Cyclotron Road Berkeley, California 94720

Industry & Government Partnerships  
Phone: (510) 486-7444 Fax: (510) 486-6866

July 24, 1995

To: Glenn Woods  
Laboratory Counsel, Lawrence Berkeley Laboratory

From: Rod Fleischman   
Associate Laboratory Director, Administration

RE: REASSIGNMENT OF RESPONSIBILITY, AUTHORITY TO EXECUTE  
PATENT-RELATED DOCUMENTS AND CERTAIN AGREEMENTS

Attached is a copy of a Reassignment of Responsibility-Administration of University Patent and Other Intellectual Property Matters, Lawrence Berkeley Laboratory, to me from Director Charles V. Shank, dated April 15, 1992. This is to confirm in writing my earlier delegation to you, under the authority provided me by that Reassignment of Responsibility. I have reassigned to you, as Laboratory Counsel, the authority to execute documents necessary for the administration of such intellectual property on behalf of the University including certain patent and copyright related documents and agreements. I grant this authority to facilitate your assistance to laboratory programs and staff in seeking to protect Laboratory generated intellectual property.

Your granted authority includes the execution of Administrative Patent and Copyright-Related Documents in connection with the following functional activities: (a) evaluation of patents and other intellectual property for commercial potential; (b) requests to DOE for patent waiver and/or election of title; (c) request for DOE permission to copyright intellectual property; (d) the release of inventions to inventors; (e) patent application filing decisions; (f) the negotiation of intellectual property rights with outside industry and prospective licensees; and (g) any other matters with respect to intellectual property rights which arise as a result of activities carried out at LBL pursuant to DOE Contract DE-AC03-76SF00098, Modification M061, dated September 18, 1987.

You may redelegate all or appropriate portions of the Administrative Patent and Copyright Related Documents authority to specialized personnel in the Laboratory Counsel's Office and to outside counsel in those instances involving documents filed in the U.S. Patent and Trademark Office, the Patent Cooperation Treaty Office, and in the national patent offices of any foreign country. In the event of your absence, Laboratory Deputy Director, Pier Oddone, or your appointed designee may sign on your behalf.

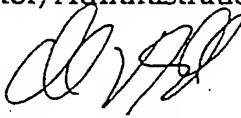
The authority to execute such documents granted to you is subject to the restrictions set forth herein as well as the restrictions imposed by the Reassignment of Responsibility from Laboratory Director Shank to me. All agreements are subject to your review and approval for legal sufficiency prior to final signature.

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Finally, your actions under this reassignment are to be in conformance with the requirements of Contract DE-AC03-76SF00098 between the University of California and the U.S. Department of Energy.

April 15, 1992

TO: Rodney M. Fleischman  
Associate Laboratory Director, Administration

FROM: Charles V. Shank, Director 

SUBJECT: Reassignment of Responsibility, Authority to Execute  
Patent-Related Documents and Certain Agreements

Attached is a copy of a Reassignment of Responsibility-Administration of University Patent and Other Intellectual Property Matters, Lawrence Berkeley Laboratory, to former Director Shirley from Senior Vice President Brady, dated October 24, 1988. Effective immediately, under the authority provided me by that Reassignment of Responsibility, I am hereby reassigning to you, as Associate Laboratory Director, Administration, and official for the LBL Technology Transfer Office, the authority to execute documents necessary for the administration of such intellectual property on behalf of the University including certain patent and copyright related documents and agreements. I grant this authority to facilitate your assistance to laboratory programs and staff in seeking and identifying potential licensees and industrial collaborators for technology commercialization.

Your granted authority includes the execution of (1) Intellectual Property License Agreements and (2) Administrative Patent and Copyright-Related Documents in connection with the following functional activities: (a) evaluation of patents and other intellectual property for commercial potential; (b) requests to DOE for patent waiver and/or election of title; (c) request for DOE permission to copyright intellectual property; (d) the release of inventions to inventors; (e) patent application filing decisions; (f) the negotiation of intellectual property rights with outside industry and prospective licensees; (g) the identification of potential industry research collaborators and licensees; and (h) any other technology marketing matters with respect to intellectual property rights which arise as a result of activities carried out at LBL pursuant to DOE Contract DE-AC03-76SF00098, Modification M061, dated September 18, 1987.

You may redelegate all or appropriate portions of the Administrative Patent and Copyright Related Documents authority to specialized personnel in the Office of Technology Transfer and/or the Laboratory Counsel's Office. In the event of your absence, Laboratory Deputy Director, Pier Oddone, or your appointed designee may sign on your behalf.

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Rodney M. Fleischman  
April 15, 1992  
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The authority to execute such documents granted to you is subject to the restrictions set forth herein as well as the restrictions imposed by the Reassignment of Responsibility from Senior Vice President Brady to me. All agreements are subject to review and approval by Laboratory Counsel for legal sufficiency prior to final signature.

Finally, your actions under this reassignment are to in conformance with the requirements of Contract DE-AC03-76SF00098 between the University of California and the U.S. Department of Energy.

Attachment

cc: Senior Vice President Brady, UC  
Associate Vice President, Business & Finance, UC  
Director, Coordination and Review, UC  
General Counsel of The Regents, UC  
Deputy Director Oddone, LBL  
Associate Laboratory Director Krebs, LBL  
Laboratory Counsel Woods, LBL ←



DAVID PIERPONT GARDNER  
President

RONALD W. BRADY  
Senior Vice President—  
Administration

OFFICE OF THE PRESIDENT  
BERKELEY, CALIFORNIA 94720

October 24, 1988

DAVID A. SHIRLEY, DIRECTOR  
LAWRENCE BERKELEY LABORATORY

Reassignment of Responsibility--Administration of University Patent and Other  
Intellectual Property Matters, Los Alamos National Scientific Laboratory LBL

Effective September 18, 1987, as Director, Lawrence Berkeley Laboratory, you are assigned responsibility at that Laboratory to implement policies and procedures on matters pertaining to intellectual property, including patents and tangible research products, and to execute documents necessary for the administration of such intellectual property, including those which may contain commitments existing longer than seven years, subject to conditions specified in the Bylaws and Standing Orders of The Regents of the University of California, subject to terms of applicable Regental and Presidential policies which are or may be established from time to time, and subject to the attached Reassignment of Responsibilities - Operating Guidelines, dated October 19, 1988. The Senior Vice President--Administration will remain responsible for preparing for the President's review annual and other reports to The Regents pertaining to patent and other intellectual property matters [See also Bylaw 12.3(k)].

The responsibility assigned to you for administration of intellectual property matters may not be reassigned. However, the responsibility to execute documents may be reassigned.

Any reassignment of the responsibility by you to execute documents shall be in writing with copies provided to the Associate Vice President--Business and Finance, the Director--Coordination and Review, the General Counsel of The Regents, and the Secretary of The Regents. Such reassignment shall be at least as restrictive as, but may be more restrictive than this reassignment to you.

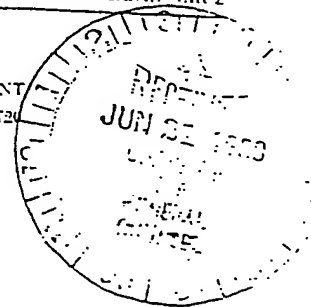
Ronald W. Brady

Attachment

cc: Associate Vice President--Business and Finance  
Director--Coordination and Review  
Director--Patent, Trademark, and Copyright  
University Contract and Grant Coordinator

DAVID PIERPONT GARDNER  
PresidentOFFICE OF THE PRESIDENT  
BERKELEY, CALIFORNIA 94720

June 16, 1988

RONALD W. BRADY  
SENIOR VICE PRESIDENT--ADMINISTRATIONAssignment of Responsibilities--Administration of Intellectual Property Matters

On June 15, 1988, I confirmed your authority to execute documents necessary for the administration of intellectual property. Your responsibilities with respect to administration of these matters are further specified in Section III.C. of the November 18, 1985 University of California Patent Policy.

Following extensive review, it has been agreed that responsibility for administration of certain aspects of intellectual property matters may be assigned to Chancellors and Laboratory Directors. Such arrangements may be proposed by a Chancellor or Laboratory Director, and are subject to your review and approval to ensure that appropriate controls are in place and that the arrangements are consistent with University intellectual property policies and procedures.

In order to implement a program of increased campus and Laboratory participation in the administration of intellectual property matters, effective immediately you are authorized to assign to Chancellors and Laboratory Directors, on an individual basis, those responsibilities you hold for administration of intellectual property matters to the extent necessary for them to administer the elements of the intellectual property program that are within their jurisdictions.

Responsibility assigned by you to Chancellors and Laboratory Directors for administration of intellectual property matters may not be reassigned by them; execution authority may be reassigned.

  
David Pierpont Gardner

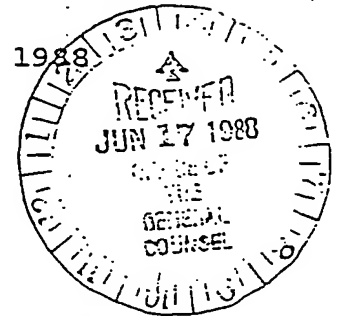
cc: Chancellors  
Laboratory Directors  
Members, President's Cabinet  
Associate Vice President--Business and Finance  
Director--Patent, Trademark, and Copyright Office  
Director--Coordination and Review  
Principal Officers of The Regents



DAVID PERPONT GARDNER  
President

OFFICE OF THE PRESIDENT  
BERKELEY, CALIFORNIA 94720

June 15, 1988



RONALD W. BRADY  
SENIOR VICE PRESIDENT--ADMINISTRATION

Delegation of Authority--Execution of Documents for  
Administration of University Patent and Other Intellectual  
Property Matters

At the meeting of the Board on January 21, 1983, The Regents approved amendment of Standing Order 100.4, in pertinent part as follows:

- (gg) The President is authorized. . .to execute documents necessary for the administration of intellectual property, including those which may contain commitments existing longer than seven years. The President annually shall report to the Board on matters pertaining to intellectual property.

Effective immediately, the authority granted to the President as written above is delegated to you, subject to conditions specified elsewhere in the Bylaws and Standing Orders of The Regents and subject also to terms of applicable Regental and Presidential policies which are or may be established from time to time. In addition, you are responsible for preparing for my review annual and other reports to The Regents pertaining to patent and other intellectual property matters [see also Bylaw 12.3(k)].

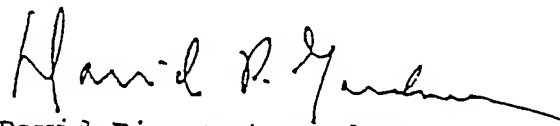
Any redelegation of this authority and responsibility by you shall be in writing with copies provided to the Director--Coordination and Review and the General Counsel and the Secretary of the Regents. Such redelegation shall be at least as restrictive as, but may be more restrictive than, this delegation to you.

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DA 0966

This delegation confirms your authority to execute documents necessary for the administration of intellectual property matters and supersedes the January 28, 1983 delegation (DA 0771) to the Vice President--Financial and Business Management.



David Pierpont Gardner

cc: Chancellors  
Laboratory Directors  
Members, President's Cabinet  
Director--Coordination and Review  
Principal Officers of The Regents

10/19/88

## REASSIGNMENT OF RESPONSIBILITIES - OPERATING GUIDELINES

### INTRODUCTION AND PURPOSE

This document constitutes an understanding between the Senior Vice President for Administration and the Director of Lawrence Berkeley Laboratory (LBL), implementing the reassignment of responsibility for certain patent operations from the Senior Vice President for Administration of the University to the Director of LBL.

Under that reassignment of responsibility and in the name of The Regents, the Laboratory will assign appropriate personnel to perform patent evaluations; make requests to DOE for waiver of title and/or elect title; release inventions to inventors; make patent applications filing decisions; negotiate patent rights clauses with research sponsors; execute patent assignment forms on behalf of The Regents of the University of California; and license patent rights to others with respect to those inventions which arise as a result of activities carried out at LBL pursuant to DOE Contract DE-AC03-76SF00098, Modification 061, dated September 18, 1987.

In accepting the assignment of responsibility, LBL will carry out the activities using its own or DOE's resources as appropriate; no University funds from a source other than loans from UC's Management Allowance for the DOE Laboratory contracts, or those generated from royalty or other income resulting from licensing or use of University owned Laboratory inventions shall be used for this purpose.

### DOE LABORATORIES DISTINGUISHED FROM UC CAMPUSES

The conditions under which LBL is undertaking Laboratory related patent and licensing responsibility reflect the differing status of the Laboratory from University campus operations, e.g., a) no substantial University general funds other than UC Management Allowance funds are being expended for the research and development activities; b) the physical facilities were paid for by other than University funds; c) DOE has substantial authority in

determining for which inventions the University may hold title; d) DOE maintains a patent and licensing capability involved in technology transfer; and e) research programs are defined by DOE and Laboratory management rather than by individual researchers.

#### REVENUE AND COSTS

As a result of the aforementioned differences between Laboratories and Campuses and as expressed in Contracts with DOE, net income from licensing of inventions will remain at the Laboratory to be used as prescribed in 37 CFR 401, rather than being deposited in the University Patent Fund for eventual distribution of net proceeds by the University's Patent, Trademark and Copyright Office (UC PTCO). As set forth below, an appropriate portion of the UC's Management Allowance will be allocated to the UC PTCO budget to offset the costs of providing central policy and operating support to LBL.

#### APPLICABILITY OF UNIVERSITY POLICY

To the extent consistent with the prime contract, UC Patent Policy, and the policy stated in Business & Finance Bulletin Gen 1 and Contract & Grant Manual Chapter 11 shall apply to all University patent activities involving patenting and licensing of University owned rights, as well as patent clauses for agreements with non-governmental research sponsors.

#### PROPRIETARY INFORMATION

It is recognized that certain records of the University with respect to invention disclosures, patent applications and licenses may contain proprietary information. LBL will maintain its procedures to safeguard properly marked proprietary information to prevent unauthorized access and/or the use or misuse of such information, such as for personal gain.

#### TERM OF AGREEMENT/DISPOSITION OF RIGHTS

The effective date of the assignment of responsibility and the provisions of this document will be retroactive to

September 18, 1987, the date of final execution of the renewal of Contract DE-AC03-76SF00098, Modification 061, and coterminous therewith.

Any inventions disclosed in writing to DOE by the LBL patent group prior to the effective date of the assignment will be the responsibility of the UC PTCO; inventions so disclosed after the effective date will be the responsibility of LBL except that:

1. Inventions arising under research funding agreements signed before the date of contract renewal will be administered by the UC PTCO.
2. Any invention arising after the effective date of the contract renewal and constituting an improvement upon a UC-owned invention shall be administered by UC PTCO.

#### PORTFOLIO INTEGRITY

Decisions about waiving rights to inventors or granting approval to inventors to petition DOE for greater rights to their inventions will become the responsibility of LBL, unless the invention is one for which UC PTCO has licensing responsibility.

Close coordination between LBL and the UC PTCO will be needed to determine whether UC holds dominating or improvement patents with respect to the LBL disclosure.

LBL will coordinate with UC PTCO the disposition of rights relating to any joint invention arising between an LBL employee and another employee of UC or a third party.

In any LBL licensing agreements, language will be incorporated, in definitions, grant and/or warranty clauses, which limits the license to the specific invention arising at LBL. Particular care will be taken to assure that other background or foreground patent or trade secret rights assigned to The Regents in other parts of the corporate organization are not included directly or indirectly in any license issued by LBL.

## LEGISLATIVE POLICY AND ANALYSIS

Legislative positions and analysis of legislative impact with respect to intellectual property will be carried out in accordance with University policy and practice.

## COORDINATION WITH THE REGENTS GENERAL COUNSEL

### Delegation of Authority

To the extent not already granted, an appropriate delegation of authority to Laboratory Counsel will be required from the General Counsel to LBL in order to carry out any legal activities, including litigation, to implement the reassignment from the Vice President for Administration. Unless specifically delegated, General Counsel will retain the responsibility of approval as to legal form of LBL options, licenses, research agreements, etc., and the responsibility for all litigation.

### Retention of Outside Counsel

Outside patent counsel may be used by LBL only after retention by General Counsel. In order to avoid conflicts of interest, the PTCO shall have the opportunity to concur in the proposed appointment of any particular firm or counsel for patent prosecution or litigation.

### Litigation

Litigation strategy, progress, and funding will be coordinated with the Office of the General Counsel and PTCO.

## ADMINISTRATION

### Administration Overhead and State Share of Income

No 15 percent administrative overhead will be charged LBL but will be used in inventor share calculations as required by UC Policy. The UC PTCO will receive an allocation from the UC Management Allowance, for the maintenance of a capability to deal with Laboratory issues.

Because of the unique nature of LBL and its receipt of DOE rather than State of California funding, LBL's payment of the state share of royalty income is not applicable.

#### Federal Reporting

LBL shall continue to carry out its function of providing invention disclosures to the Department of Energy and to carry out annual reporting to government agencies on LBL elected inventions in an established reporting format and shall provide the UC PTCO with a copy of the report. The UC PTCO shall be responsible for reporting to agencies on inventions handled by UC PTCO, with a copy provided to LBL.

#### Internal Administration/Record Keeping

Details regarding the structure of internal reports, prosecution status codes, technology categories, etc., remain to be arranged. Ideally, LBL's practices should be compatible with current UC PTCO forms and methods.

#### Financial, Accounting and Reporting Practices

To the extent possible under Contract DE-AC03-76SF00098, LBL's accounting practices will be consistent with those of UC PTCO. Books will be kept to account for expenses and revenues for individual inventions and reports generated which identify individual accounting items.

For inventions where LBL elects to retain title on behalf of the University, the following operating procedures will be used:

1. LBL annually will submit to The Senior Vice President for Administration a proposed itemized budget for LBL patent operations. The budget is to be provided by May 15, each year for the following fiscal year of the University. The Office of the President will allocate funds from the UC Management Allowance to cover the budget until income surplus is adequate to cover the budget.

#### PATENT ASSIGNMENTS

The Laboratory Director or his designee will execute the "Approved and Consented" statement in the patent assignment form for patent applications on which DOE retains title to the invention.

#### GENERAL COORDINATION

LBL and the UC PTCO will hold periodic coordinating meetings as mutually agreed. LBL and the UC PTCO will cooperate and coordinate as required in all matters affecting intellectual property.